

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
AT ALBUQUERQUE NM
APR 1 2 1999

UNITED STATES OF AMERICA,

Plaintiff,

ROBERT M. MARCH
CLERK

v.

No. CIV-99-0288 BB/WWD
CR-97-758 BB

ELLA COURTRIGHT,

Defendant.

MEMORANDUM OPINION AND ORDER

This matter is before the Court to consider Defendant's motion to correct sentence filed March 15, 1999, and her motion for leave to proceed in forma pauperis (IFP). Defendant was previously found indigent in the criminal proceeding, and the IFP motion will be denied as moot.

The motion for sentence reduction will be denied. Defendant claims that, because she has received a certificate of completion of a G.E.D. program, she is entitled to a reduction of her sentence for extraordinary circumstances. As argued in the government's response filed in the criminal proceeding, a sentence once imposed may not be modified except as specifically authorized. 18 U.S.C. § 3582(c); *United States v. Smartt*, 129 F.3d 539, 541 (10th Cir. 1997); *United States v. Mendoza*, 118 F.3d 707, 709 (10th Cir.), *cert. denied*, --- U.S. ---, 118 S.Ct. 393 (1997). The relief sought by Defendant is only available on motion brought by the Director of the Bureau of Prisons. § 3582(c)(2). Defendant's allegations do not implicate any statutory provisions allowing for modification of her sentence, and the motion will be denied.

IT IS THEREFORE ORDERED that Defendant's motion for leave to proceed in forma pauperis (Doc. #2) is DENIED as moot; the motion to correct sentence filed March 15, 1999, is DENIED; and this civil proceeding is DISMISSED.


UNITED STATES DISTRICT JUDGE

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